IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.484 OF 2003

Gautamchand Dhanraj Chopra & Ors. ...Applicants

Versus

Lalitkumar Deelipkumar Kothari & Anr. ...Respondents

Shri S.K.Jain for the Applicants.
Shri R.D.Dave for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 15, 2007.

P.C.:

1. Heard learned counsel appearing for the revision Applicants and the learned counsel appearing for the first Respondent.

2. Civil Revision Application is taken up for hearing. The first Respondent is a Plaintiff who filed a summary suit against the revision Applicants and the second Respondent herein. By order dated 01st August, 2003 the revision Applicants were permitted to defend the suit on furnishing bank guarantee to the extent of suit claim. The fourth Defendant (fourth Respondent herein) was also permitted to defend the suit subject to furnishing bank guarantee. The fourth Respondent has not challenged the said order.

3. The learned counsel for the first Respondent

pointed out that while admitting the revision Application for final hearing, this Court stayed the operation of the impugned order. He submitted that as a result, the suit filed by the first Respondent could not make any real progress. He submitted that considering the interim order passed by this Court and considering the delay in disposal of the suit filed by the first Respondent, without prejudice to the rights and contentions of the first Respondent he has no objection if unconditional leave to defend is granted to the revision Applicants provided they file written statement immediately. He submitted that hearing of the suit may be expedited.

4. Considering the aforesaid submissions, I pass the following order:

(i) The impugned order dated 01st August, 2003 is modified to the extent that the revision Applicants (first to third Defendants) are granted an unconditional leave to defend the suit. The revision Applicants will file the written statement on or before 31st July, 2007. It is made clear that the trial Court will not grant any further time to the revision Applicants to file written statement under any

circumstances.

(ii) The impugned order in so far as it relates to the fourth Defendant (fourth Respondent herein) is confirmed. If the fourth Respondent has not challenged the said order, the trial Court is free to pass consequential order.

(iii) The trial Court is directed to decide the suit as expeditiously as possible and preferably before the end of February 2008.

(iv) All contentions of the parties on merits of the pending suit are expressly kept open.

(v) Revision Application is partly allowed in above terms with no orders as to costs.

JUDGE